



DEPARTMENT OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
1411 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202-3231

NGB-EO-CR(600-4)

March 16, 2005

MEMORANDUM FOR THE ADJUTANTS GENERAL OF ALL STATES, PUERTO RICO, THE U.S. VIRGIN ISLANDS, GUAM AND THE COMMANDING GENERAL OF THE DISTRICT OF COLUMBIA

SUBJECT: Prevention of Sexual Harassment and Sexual Assault

1. The National Guard Bureau's policy on Sexual Harassment is clear; it is unacceptable and will not be tolerated in the National Guard. In addition, we cannot forget that sexual assault breeds an environment, where prevention of sexual harassment is not addressed seriously. As leaders, we must understand when our soldiers and airmen are not treated with dignity and respect; such negative behavior destroys teamwork, cohesive working environments and impedes mission readiness.

2. Understanding the difference between Sexual Harassment and Sexual Assault.

a. **Sexual Harassment** is a form of gender discrimination that involves unwelcome sexual advances, or other verbal or physical conduct of a sexual nature when (1) a submission to, or rejection of, such conduct is made explicitly or implicitly a term or condition of a person's position or career, or (2) submission to, or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or (3) such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment. **AR 600-20 Chapter 7** contains Army policy and regulations dealing with Sexual Harassment. **AFI 36-2706 Chapter 5** contains the Air Force policy and guidance in dealing with Sexual Harassment. Sexual Harassment is illegal, but is not a criminal offense. Although sexual harassment is not a criminal offense it can eventually lead to sexual assault if not preempted. Sexual Harassment incidents involving members of the National Guard are processed through the administrative complaints process under **NGR 600-22** for Army National Guard personnel, **ANGI 36-7** for Air National Guard personnel, and **NGR 690-600** for Air and Army Technician and Civilian personnel. The centralized resource for data collection and reporting of sexual harassment incidents, demographics and the disposition of the data is your State Equal Employment Manager.

b. **Sexual Assault** is a "criminal offense" that has no place in the National Guard. The impact on the victims is debilitating. Such behavior also degrades our mission readiness by reducing our ability to work effectively. It is incompatible with the values we teach our airmen, soldiers, civilians and demand of our leaders. Sexual Assault is any actual or attempted sexual touching without consent. Forms of sexual assault, such as rape, forcible sodomy, indecent assault, and constructive force (threats, intimidation

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or abuse of authority related to causing a victim to believe that death or injury would occur if he or she resisted, are criminal offenses. Sexual Assault is punishable under the **Uniform Code of Military Justice (UCMJ)** and other federal and local civilian laws. Sexual Assault is incompatible with National Guard values. It shows a lack of personal courage and is illegal, immoral, and dishonorable. It strikes at the very core of a unit's readiness. Sexual Assault will not be tolerated, and commanders, managers, and supervisors will take appropriate corrective action and will consider the full range of appropriate disciplinary actions against airmen, soldiers, and civilians found guilty of such acts. Guidance on Sexual Assault can be found in the new pending **AR 600-20, Chapter 8** for Army and Army National Guard personnel. The **AFI 36-2706, Chapter 7.1.2** and **ANGI 36-7, Chapter 3.5.4.1 Immediate Referrals**, gives general guidance on Sexual Assault incidents for Air Force and Air National Guard personnel. If Sexual Assault is alleged, the Commander, Military Police, Security Forces and nearest Medical Facility should be contacted immediately.

3. Sexual Harassment or Sexual Assault has no place in the National Guard. It is imperative that leaders at every level ensure that the climate exists where a no tolerance level exists for all prohibitive behaviors. The National Guard is reminded daily of the many challenges we face in order to accomplish our readiness mission. The prevention of sexual harassment and sexual assault are definitely challenges. Sexual Assault rarely occurs unless Sexual Harassment Prevention has not been taken seriously. It is encouraged and highly recommended that there is an on going progressive awareness and education program for Sexual Harassment Prevention to include definition of sexual assault and its' impact in your states and territories. Failure to do so may be setting the stage for a crime.....sexual assault.

4. Further information on the prevention of sexual harassment can be obtained from Ms. Mary Odom, Deputy Director, NGB-EO-CR, 703-607-0779 and on the NGB website.



Felton Page
Director, Office of Equal Opportunity
and Civil Rights